

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

United States Courts
Southern District of Texas
FILED

MAY 02 2010

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA
V.
Esmeralda Licet MARTINEZ

CRIMINAL COMPLAINT

Case Number:

V-10-54M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 5/1/2010 in Victoria County, in the
(Date)

Southern District of Texas, the defendant(s)

Esmeralda Licet MARTINEZ

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 8USC1324
I further state that I am a(n) Special Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of ICE Special Agent

Anne McGee

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

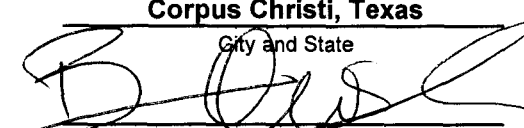
Anne McGee
Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found

May 2, 2010
Date

Brian L. Owsley U.S. Magistrate Judge
Name and Title of Judicial Officer

at

Corpus Christi, Texas
City and State

Signature of Judicial Officer

AFFIDIVIT

April 30, 2010, at approximately 23:16 hours, Texas Department of Public Safety Trooper Joseph Schuler, observed a blue Chevrolet traveling northbound on Highway 59 in Victoria, Texas following too close to other vehicles. Trooper Schuler activated his emergency equipment and conducted a traffic stop on blue Chevrolet. The vehicle came to a stop at Highway 59 and Farm to Market 1686.

The driver, Esmeralda Licet MARTINEZ stated she was being paid one thousand dollars (\$1,000) to transport the two (2) passengers. The two (2) male passengers, Benjamin JIMENEZ-Hernandez, and Mario GONZALEZ-Granja, provided Mexican Identification only. Corpus Christi Border Patrol (BP) Station was contacted to determine the citizenship of the two (2) passengers, and Trooper Schuler issued a warning citation to MARTINEZ for following too close.

BP Agent Justin Sanchez identified himself as a BP Agent and telephonically interviewed the subjects. Agent Sanchez determined the two (2) passengers to be citizens of Mexico and the driver of the car to be a United States citizen. All subjects were transported to the Victoria County Jail to await the arrival of BP Agents.

On May 1, 2010, BP Agents Jonathan Davila and Micah Sublett identified themselves as Border Patrol Agents and interviewed all subjects. Agent Micah Sublett determined the two (2) passengers of the vehicle to be citizens of Mexico illegally present in the United States. Agent Sublett placed the two (2) passengers under arrest for their illegal entry and advised them of their rights in the Spanish language at approximately 5:20 a.m. Agent Sublett then placed MARTINEZ under arrest for alien smuggling and advised her of her rights in the English language at approximately 5:20 a.m. All subjects were transported to the Corpus Christi United States BP Station for further questioning and processing.

At the Corpus Christi BP Station all subjects were advised a second time of their right to legal representation. This process was initiated by Agent Sublett and witnessed by Agent Davila. All subjects acknowledged they understood their legal right to representation and indicated they were willing to make statements without the presences of legal.

MARTINEZ initially provided a statement regarding her involvement in alien smuggling, but at the time of making a sworn statement, MARTINEZ requested legal representation. All questioning ceased at that time.

PRINCIPAL STATEMENT:

At the Corpus Christi BP Station MARTINEZ stated she had borrowed a car that had been rented by her cousin (Angie Enriquez) in order to drive to Galveston, Texas. MARTINEZ stated she was going to Galveston to visit another cousin whom she had not seen in a while.

MARTINEZ stated she stopped at a gas station at approximately 18:30 hours while still in Edinburg, Texas. MARTINEZ stated she was approached by JIMENEZ-Hernandez

when she was exiting the store after paying for her gas. MARTINEZ stated she was asked by JIMENEZ for a ride to Houston, Texas. MARTINEZ stated she was offered one thousand dollars (\$1,000.00) by JIMENEZ for transporting him and his friend. MARTINEZ further stated JIMENEZ had told her they were both illegally in the United States and just wanted some help to get to Houston, Texas.

MARTINEZ stated she felt bad for them and decided that even though she knew it was illegal to do so, she would provide them with a ride. MARTINEZ stated she did not accept any money for transporting either subject. MARTINEZ further stated she got both undocumented aliens through the Falfurrias Border Patrol Checkpoint by having them crawl through the backseats and into the trunk of the car while she was driving.

MARTINEZ stated the aliens were in the trunk of the car for approximately one (1) hour before crawling back through the seat and then remaining in the cabin of the car. MARTINEZ claimed to have made no other stops after having picked up the two (2) passengers until she was encountered with by Trooper Schuler.

MATERIAL WITNESS STATEMENT:

Benjamin JIMENEZ-Hernandez stated he was a native and citizen of Mexico. JIMENEZ-Hernandez stated he made the arrangements with an unknown person to be smuggled into the United States while he was in Reynosa, Mexico. JIMENEZ-Hernandez said he was going to pay three thousand five hundred dollars (\$3,500.00) to be smuggled to Houston, Texas.

JIMENEZ-Hernandez stated he illegally crossed into the United States by crossing the Rio Grande River at Hidalgo, Texas. He stated he waited in the brush for about two (2) hours near some houses until two vehicles picked them up. JIMENEZ-Hernandez stated he was taken to a house where they stayed for about one (1) day. JIMENEZ-Hernandez stated he was picked up by a green mini van, and taken to MARTINEZ's vehicle, at a store.

JIMENEZ-Hernandez stated he got into MARTINEZ vehicle because the person driving the mini van told him to get into her car. JIMENEZ-Hernandez stated once he entered MARTINEZ's vehicle she explain to him and GONZALEZ-Granja how they were going to get in the trunk of the vehicle.

MARTINEZ told them to stay near the back seat and she would leave the back seat slightly open. MARTINEZ was then going to tell them when to close the back seat completely once they got close to the checkpoint.

JIMENEZ-Hernandez stated they were in the trunk with the back seat completely closed about half an hour. JIMENEZ-Hernandez stated MARTINEZ stopped at a place to use the bathroom and she slightly pulled back the seat and told them to wait. Once they got on the highway MARTINEZ told the two JIMENEZ-Hernandez and GONZALEZ-Granja to come out of the trunk by pushing the back seat forward.

Mario GONZALEZ-Granja stated he was a citizen on Mexico. GONZALEZ-Granja stated he made arrangements with an unidentified person in Reynosa, Mexico to be smuggled into the United States to Atlanta, Georgia for three thousand five hundred dollars (\$3,500.00).

GONZALEZ-Granja stated walk in the brush for an hour and a half until he reached a house with the help of a guide. GONZALEZ-Granja stayed in the brush for two (2) hours until he was loaded into an Expedition type vehicle, and taken to a house where they stayed for about a day and night. A green mini van came and a guy driving it told them to get in.

GONZALEZ-Granja and JIMENEZ-Hernandez got in the mini van and traveled for thirty (30) minutes until they arrived at an auto parts store. At the store they got in the car with the lady that was driving when they were stopped by the police (MARTINEZ.)

GONZALEZ-Granja stated the man driving the mini van told them to get in the car with MARTINEZ. GONZALEZ-Granja stated MARTINEZ told them they were supposed to get into the trunk of the car. MARTINEZ explained they were going to climb into the trunk through the backseat and leave it open until they reached the checkpoint. Once near the checkpoint they were to close the trunk completely

GONZALEZ-Granja stated they were in the trunk for about one (1) hour. MARTINEZ stopped for a break and pulled the back seat a little so that GONZALEZ-Granja and JIMENEZ-Hernandez could get out. MARTINEZ told them to wait awhile in the trunk before they were finally able to get out of the trunk

The illegal aliens required no medical attention. The aliens did not make any exculpatory statements regarding the case. AUSA Rob MacDonald was contacted and prosecution was accepted for violation of 8USC1324.

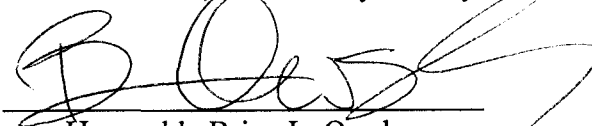


Anne McGee

Special Agent

Immigration and Customs Enforcement

SWORN AND SUBSCRIBED before me, this 2nd day of May 2010.



Honorable Brian L. Owsley
United States Magistrate Judge